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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,561	01/04/2002	Jack E. Caveney	LCB386	7139

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EXAMINER

NASRI, JAVAID H

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

A78

**Office Action Summary**

Applicati n No.

10/037,561

Applicant(s)

CAVENEY, JACK E.

Examiner

Javaid Nasri

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-7 and 21-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

- a) In claim 1, line 9, says crimpable portion being tapered, but the specification page 6, para 0026, line 2, discloses tapered lead-ins of the insert (54) and on line 9, discloses tapered lead-ins portions of the ferrule (48).
- b) In claims 21 and 23, line 7, says crimpable portion being tapered, but the specification page 6, para 0026, line 2, discloses tapered lead-ins of the insert (54) and on line 9, discloses tapered lead-ins portions of the ferrule (48).

**It should be understood that these are few examples only. Applicant is requested to check all the claims and correct them appropriately.**

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 2, 15 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) In claims 2 and 22, it is not clear what the applicant meant by “other of the first and second ends”.
- b) In claim 15, lines 1 and 3, it is not clear what the applicant meant by “other of the crimp dies”.

**It should be understood that these are few examples only. Applicant is requested to check all the claims and correct them appropriately.**

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 and 8-10 and 14-17 and 21-23, are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson ('022, cited in the IDS).

Johnson discloses a housing (not shown) having opposed first and second ends, the housing receiving the optical fiber at the first end, an elongated member (20), retainable in the housing, the elongated including a crimpable portion (at 20), the crimpable portion being disposed within the housing, the crimpable portion having opposed first and second ends and a point between the first and second ends the crimpable portion being tapered from the point toward one of the first

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and second ends and two insert (8) disposable within the crimpable portion of the elongated member, ferrule (see claims 12 and 13), a stub fiber (32, 34, 36, 38), tapered crimp die (26).

Note: The claimed method language is counter part of the apparatus claimed. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to develop a particular method for the disclosed apparatus of the cited references.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-7, 11-13, 18-20, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson ('022, cited in the IDS) in view of Bradley et al.

Johnson discloses all the limitations of claims 1, 4, 8, 10, 14 and 17 as shown above. Johnson also discloses the stub fiber contacts the fiber core in the at least one insert (see figure 5A), the stub fiber contacts the fiber in the ferrule (not shown, see claims 12 and 13).

For claims 24 and 25, Johnson discloses a housing (not shown), having opposed first and second ends, an elongated member (20) retainable in the housing and extending substantially from one of the opposed ends to the other of the opposed ends, the elongated member including a ferrule (not shown, see claims 12 and 13) holding portion proximate the second end of the housing and a crimpable portion (at 20) distinct from the ferrule holding portion, a ferrule disposable within the

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ferrule holding portion of the elongated member, the ferrule including an aperture running therethrough, at least one insert (8) disposed within the crimpable portion of the elongated member and a stub fiber (32, 34, 36, 38) having opposing ends, the stub fiber being disposed within the aperture of the ferrule, a crimping tool having opposed crimp dies (26), having opposed first and second ends and a point between the first and second ends, one crimp die being tapered from the point toward one of the first and second ends.

Note: The claimed method language is counter part of the apparatus claimed. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to develop a particular method for the disclosed apparatus of the cited references.

However, Johnson does not disclose:

- a) the optical fiber has a glass fiber core, Bradley et al discloses the optical fiber has a glass fiber core (see col. 4, line 52), therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Johnson to have the optical fiber a glass fiber core in view of Bradley et al to have better optical transmission.

### *Contact*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 703 308 5876. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 703 308 2710. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703 308 7722 for regular communications and 703 308 7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

**Any correspondence to this action may be mailed to:**


**Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450**

For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003)*.

**Or faxed to:** 703-308-7722 or 308-7724 (informal or draft communications should be clearly labeled "PROPOSED" or "DRAFT")

**Hand-delivered responses should be brought to:**

**Crystal Plaza 4, Fourth Floor (receptionist)  
2201 South Clark Place, Arlington, Virginia**

  
Javaid Nasri  
Primary Examiner  
Art Unit 2839

JN

jhn  
July 9, 2003